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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BHS (NEW YORK) CORPORATION,

X : 08 Civ. 00179 (LAK)

Plaintiff,

:

v.

: **ORDER**

IBRAHIMA DIENE,

:

Defendant.

X

Upon the accompanying declaration with exhibits of Amos Alter, dated March 11, 2008; it appearing that plaintiff has been unable to serve defendant with the summons and complaint because he has moved from his last known address and his current address is unknown; and it further appearing that defendant cannot with due diligence be served by another prescribed method; it is

ORDERED, that:

1. The summons in this action may be served upon defendant by publication pursuant to Fed. R. Civ. P. Rule 4(e) and New York CPLR 316, as set forth below.

2. The summons, together with a notice to defendant, containing a brief statement of the nature of the action, and the relief sought, shall be published in two newspapers, at least one in the English language, namely

The New York Times, published in New York, New York, and
The New York Daily News, published in New York, New York, both most likely to give notice to defendant, once in each of four successive weeks.

3. The first publication shall be made within thirty days after this Order is granted.

Dated: New York, New York
4/3 , 2008



Hon. Lewis A. Kaplan, U.S.D.J.